

The article was alleged to be misbranded in that the statement "Net Wt. 2 Lbs." was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

### VEGETABLE OILS

**2285. Adulteration and misbranding of olive oil. U. S. v. 30 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4910. Sample No. 40474-E.)**

This product consisted essentially of cottonseed oil, containing little, if any, olive oil.

On June 11, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 cases of olive oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 29, 1941, by P. J. Devine from Wilmington, Del.; and charging that it was adulterated and misbranded. The article was labeled in part: "Virgin Olive Oil Superfine Brand."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements were false and misleading as applied to an article consisting essentially of cottonseed oil, containing little, if any, olive oil: (Can) "Italian Product Imported Virgin Olive Oil \* \* \* Lucca Italy"; "This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes [and similar statements in Italian]." It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On June 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2286. Adulteration and misbranding of olive oil. U. S. v. Certain Quantities [58 Cans] of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3511. Sample Nos. 46381-E, 46382-E, 46383-E.)**

This product was represented to be pure olive oil whereas it was an imitation olive oil consisting of artificially flavored and colored cottonseed oil containing little or no olive oil. It not only was falsely represented to be pure olive oil; but its label did not bear the name and address of the manufacturer, packer, or distributor.

On December 12, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 58 cans of olive oil at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about November 27, 1940, by Ruggiero Marino from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: "One Gallon Italian Produce Sublime Olive Oil"; "Roberta Brand Pure Olive Oil"; or "Pulcella Brand Guaranteed Pure Olive Oil."

The article was alleged to be adulterated in that artificially flavored and colored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil; in that inferiority had been concealed by the addition of artificial flavor or color; and in that artificial flavoring or coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the following statements and designs were false and misleading since they were incorrect: (Sublime Olive Oil) "Pure Imported Olive Oil \* \* \* Italian Produce Sublime Olive Oil Imported Acomo Fo Lucca \* \* \* This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes [similar statements in Italian]"; (Roberta brand) "Imported from Italy \* \* \* Pure Olive Oil Imported from Lucca Toscana Italy [similar statements in Italian and design of olive branches and olives] This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statement in several foreign languages]"; (Pulcella brand) "Imported Pure Olive Oil \* \* \* Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy [similar statements in Italian and design of olive branches and olives and of a woman in foreign costume]. We guarantee our olive oil to be absolutely pure under any chemical

analysis—insuperable for table use and excellent for medicinal purposes [similar statements in Italian]. The article was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word “imitation” and immediately thereafter the name of the food imitated; in that it was in package form and failed to bear the name and place of business of the manufacturer, packer, or distributor; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2287. Adulteration and misbranding of olive oil. U. S. v. 2 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4727. Sample No. 55638-E.)**

This product was represented to be pure olive oil but contained approximately 20 percent of cottonseed oil.

On or about May 13, 1941, the United States attorney for the District of Oregon filed a libel against 2 cases of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 13, 1941, by Matteucci & Vannucci Co., Inc., from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: “Pisa Brand Imported Pure Olive Oil.”

The article was alleged to be adulterated in that a substance, cottonseed oil, had been substituted in part therefor.

It was alleged to be misbranded (1) in that the statements “Pisa \* \* \* Imported Pure Olive Oil” and “Pisa Brand Olive Oil is a pure oil pressed from Selected Olives” were false and misleading as applied to an article which contained 20 percent of domestic cottonseed oil; (2) in that it was offered for sale under the name of another food, namely, olive oil; (3) in that it was a food consisting of a mixture of olive oil and cottonseed oil, and its label did not bear the common or usual name of said food; and (4) in that its label did not bear the common or usual name of each ingredient.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2288. Adulteration and misbranding of olive oil. U. S. v. 289 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3964. Sample Nos. 36283-E to 36287-E, incl.)**

This product was represented to be pure olive oil but was found to consist of artificially flavored and colored cottonseed oil or some oil other than olive oil.

On March 12, 1941, the United States attorney for the District of Massachusetts filed a libel against 289 cases of olive oil at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about January 6 and 17, 1941, by the Standard Pickle Co. from New Britain, Conn.; and charging that it was adulterated and misbranded. It was labeled in part: “Pure Olive Oil Sweet Life,” or “Nessco Brand Pure Olive Oil.”

The article was alleged to be adulterated (1) in that artificially flavored and colored cottonseed oil or (37 cases) oil other than olive oil had been substituted wholly or in part for pure olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement “Pure Olive Oil” was false and misleading; (2) in that it was an imitation of another food and the label failed to bear, in type of uniform size and prominence, the word “imitation” and, immediately thereafter, the name of the food imitated; (3) in that it was offered for sale under the name of another food; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On May 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2289. Adulteration and misbranding of vegetable oil. U. S. v. 43 Bottles and 13 Jugs of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3965. Sample Nos. 46195-E, 46196-E.)**

This product was an artificially flavored and artificially colored mixture of cottonseed oil and an oil similar to corn oil and contained little or no olive oil.